

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION

MORGAN HOWARTH,

Plaintiff,

Case No. 2:23-CV-13010-SJM-APP
Hon. Stephen J. Murphy III

v.

GRANITE AND MARBLE DESIGN, LLC,

Defendant.

JAY CAMPBELL MILLER (38279-49)
SRIPLAW, P.A.
Attorney of Plaintiff
6325 Riverview Drive Suite 100
Indianapolis, IN 46220
(332) 600-5599 – Fax: (561) 404-4353
Campbell.miller@sriplaw.com

MATTHEW J. CONSOLO (P75214)
SECREST WARDLE
Attorney for Defendant
2600 Troy Center Drive, P.O. Box 5025
Troy, MI 48007
(248) 851-9500 – Fax: (248) 251-1810
mconsolo@secrestwardle.com

**DEFENDANT GRANITE AND MARBLE DESIGN, LLC'S ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

NOW COMES Defendant, GRANITE AND MARBLE DESIGN, LLC, by
and through its attorneys, SECREST WARDLE, and for its Answer to Plaintiff's
First Amended Complaint, states as follows:

SUMMARY OF THE ACTION

1. Defendant neither admits nor denies the allegations contained herein
based on lack of knowledge or information sufficient to form a belief.

2. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

3. Defendant does not contest the allegations that it is a Michigan limited liability company that has an office in Sylvan Lake, MI.

4. Defendant denies as untrue in the manner and form alleged.

JURISDICTION AND VENUE

5. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

6. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

7. Defendant does not contest the allegations contained herein.

8. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

DEFENDANT

9. Defendant does not contest the allegations that it is a Michigan limited liability company that has an office in Sylvan Lake, MI. In further answering, Defendant is not contesting service of process.

THE COPYRIGHTED WORKS AT ISSUE

10. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief. In further answering, the Complaint as it was received by the undersigned contains mostly a blank page and does not detail the specific work in a clear photograph.

11. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief. In further answering, the Complaint as it was received by the undersigned contains mostly a blank page and does not detail the specific work in a clear photograph.

12. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

13. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

14. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

15. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

16. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

17. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

INFRINGEMENT BY GMD

18. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

19. Defendant denies the allegations as untrue in the manner and form alleged.

20. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

21. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

22. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

23. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

24. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

25. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

26. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

27. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

COUNT I
COPYRIGHT INFRINGEMENT

28. Defendant incorporates the responses of paragraphs 1 through 27 of this Answer as if fully set forth herein.

29. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

30. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

31. Defendant denies the allegations as untrue in the manner and form alleged.

32. Defendant denies the allegations as untrue in the manner and form alleged.

33. Defendant denies the allegations as untrue in the manner and form alleged.

34. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

35. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

COUNT II
SECONDARY LIABILITY

36. Defendant incorporates the responses of paragraphs 1 through 35 of this Answer as if fully set forth herein.

37. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

38. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

39. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

40. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

41. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

42. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

43. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

44. Defendant neither admits nor denies the allegations contained herein based on lack of knowledge or information sufficient to form a belief.

SECRET WARDLE

Wherefore, Defendant prays that this Honorable Court enter a No Cause of Action, and award Defendant their costs and attorney fees pursuant to 17 USC 505 and 17 USC 1203 for having to defend this cause of action.

Respectfully submitted,

SECRET WARDLE

By: /s/Matthew J. Consolo
MATTHEW J. CONSOLO (P75214)
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mconsolo@secrestwardle.com

Dated: July 30, 2024

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as directed on the pleadings on August 01, 2024, by:

☐ US MAIL ☐ FAX ☐ HAND DELIVERY ☐ UPS ☐ FEDERAL EXPRESS
☒ EFILE – E-SERVE ☐ EMAIL

/s/ Carolyn VanPelt

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